

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN THE MATTER OF: )  
 )  
CHICAGO HUDSON, ) CASE NO. 06 B 05596  
 )  
Debtor )

**FINAL PRETRIAL ORDER**  
(Objection of Kingsbury Under §365(i))

On May 26, 2006, there was a status conference held in Chicago, Illinois.

**ADMISSIONS**

Debtor to file Answer to Objection by June 1, 2006. Any other parties in interest to file any Response by June 1, 2006.

All well pleaded facts admitted in the pleadings are admitted into evidence, unless objections are filed to relevance or prejudice prior to trial by 11:00 a.m.

**STIPULATIONS**

To the extent reasonably possible, the parties will stipulate in writing to facts and documents, and their said stipulation is admitted into evidence. Copies of stipulated documents should be appended thereto. If a joint pretrial statement is filed, admitted facts and documents are deemed stipulated and are admitted into evidence, and such earlier stipulations need not be repeated.

**EXHIBITS AND DEPOSITIONS**

At least 1 calendar day prior to the trial date, all parties are to exchange among themselves and also deliver to the Court in chambers copies of all exhibits they intend to introduce in evidence.

Each party shall clearly number each proposed exhibit and deposition transcript sought to be used in the order of its probable presentation at trial. Each document must be given a separate exhibit number. Prepare a list of those numbered exhibits with a very brief identification of each. Copies of those exhibit lists shall be exchanged among the parties and delivered to the Court in chambers with copies of the exhibits listed, and the original exhibit lists shall be filed with the Clerk with proof of service.

If there is any objection to any exhibit so listed and exchanged, each objection must be stated in writing and filed and served by 11:00 a.m. the day of trial before trial. If no written objection is

made to the Court and copy of the objection served on the proponent by 11:00 a.m. the day of trial before trial, such exhibits will be received in evidence without any further authentication or hearing as to relevance or any other issue. If objections are filed, only those express objections filed will be considered and all other possible objections are deemed waived.

If deposition transcripts are to be offered, portions offered by each party will be separately color-coded on the face thereof, and each portion objected to will be bracketed on the face thereof by an objector's color code, so that the Court may see the portions offered and objected to by each party merely by examining the transcript. If the whole transcript is to be offered without objection, then no markings will be made. However, in that event, the proponent will also tender an abstract of the deposition.

All original exhibits (or copies marked and used as originals) will be held by the party offering same, and leave is given to withdraw same after they are admitted into evidence. The copies thereof delivered to the Court will be held by the Court until the ruling is given, and then discarded. The Court's copies will not be returned to counsel or the clerk.

**In addition, if the hard copies of a party's exhibits submitted to the Court exceed one single 3-inch ring binder, the party must also submit the exhibits to the Court on a CD-ROM in pdf format, with each exhibit as a separate document, and with bookmarks for major divisions and for any attachments to the exhibit. Two copies of each CD-ROM must be submitted to the Court and one copy to each opponent counsel, and each shall be labeled with the name of the case and the party on whose behalf it is submitted.**

### **WITNESSES**

At least 1 calendar day prior to the trial date, the parties are to exchange and file with the Clerk of Court lists of the names and all witnesses they intend to present at trial, together with a brief summary of each separate area of testimony said each such witness will present. Copies of those lists will also be delivered to the Court in chambers. All reasonably anticipated objections to testimony and all motions to limit testimony of a witness identified by an opposing party shall be filed by 11:00 a.m. the day of trial prior to trial.

### **EXPERT AND RULE 701 WITNESSES**

If any parties are to use expert witnesses or lay witnesses to testify under Federal Evidence Rule 701 at trial, those witnesses should be identified on the witness lists provided hereinabove and their written reports and opinions identified on the exhibit lists provided hereinabove. If no such written reports or opinions exist, then 1 calendar day before trial, the party offering such expert(s) or Rule 701 witness(es) shall for each such witness file and serve a statement of the subject matter on which such witness shall testify, the substance of the facts and opinions to which such witness is expected to testify, and a summary of grounds for each opinion.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

By 11:00 a.m. the day of trial prior to trial, each party shall file with the Court and serve on opposing parties proposed detailed Findings of Fact and Conclusions of Law. Conclusions of Law must cite authority and must at the outset state this Court's jurisdiction. A trial brief may be filed with the proposed Findings and Conclusions if desired, but the filing of such brief will not excuse the filing of draft proposed Findings and Conclusions. Any party not filing proposed Conclusions of Law or a brief may be found to have waived legal issues not thereby presented. Any party not filing proposed Findings of Fact may be found to have withdrawn any dispute as to fact findings proposed by the other side.

### **TRIAL COUNSEL**

All counsel who will be lead counsel at trial will certify, as part of their pretrial materials, that they are admitted to the trial bar of this District Court or have been excused by order upon their motion filed and served.

### **TRIAL DATE**

Trial is set for **June 2, 2006**, beginning at **1:30 p.m.** Trial will be held in courtroom 682, United States Courthouse, 219 South Dearborn Street, Chicago, Illinois.

### **SANCTIONS FOR NON-COMPLIANCE**

Failure to comply with any portion of this Order will result in appropriate sanctions under Fed. R. Civ. P. 16 (Fed. R. Bankr. P. 7016) unless non-compliance is excused for good cause.

ENTER:

\_\_\_\_\_  
Jack B. Schmetterer  
United States Bankruptcy Judge

30<sup>th</sup>  
Dated and entered this \_\_\_\_ day of May 2006.

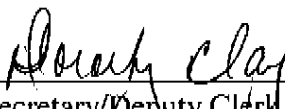
**CERTIFICATE OF SERVICE**

I, Dorothy Clay certify that on May 30, 2006 I caused to be mailed by United States first class mail copies of the ORDER to the following:

Richard S. Lauter, Esq.  
Levenfeld Pearlstein, LLC  
Two North LaSalle Street  
Suite 1300  
Chicago, IL 60602  
Counsel for Debtor

Office of the U.S. Trustee  
Suite 3350  
227 W. Monroe Street  
Chicago IL 60606

And See Attached Service List

  
\_\_\_\_\_  
Secretary/Deputy Clerk

May, 2006

**CHICAGO HUDSON, LLC -- CASE NO. 06 B 05596**

**SERVICE LIST**

Richard S. Lauter, Esq.  
Levenfeld Pearlstein, LLC  
Two North LaSalle Street  
Suite 1300  
Chicago, IL 60602  
Counsel for Debtor

District Counsel  
Internal Revenue Service  
Ste. 2300  
200 W. Adams St.  
Chicago IL 60606

Stephen Wolfe, Esq.  
Office of the U.S. Trustee  
Ste. 3350  
227 W. Monroe St.  
Chicago IL 60606

District Director  
Internal Revenue Service  
230 S. Dearborn St.  
Mail Stop 5016-CHI  
Chicago IL 60604

James D. Newbold, Esq.  
Faith A. Dolgin, Esq.  
Illinois Attorney General Office  
100 West Randolph Street  
13th Floor  
Chicago, IL 60601

David A. Grossberg, Esq.  
Eugene J. Geekie, Jr., Esq.  
Jon Viagano, Esq.  
Schiff Hardin, LLP  
233 South Wacker Drive  
Suite 6600  
Chicago, IL 60606  
Counsel for Royal Apartments, SA

Stephen T. Bobo, Esq.  
Sachnoff & Weaver  
10 South Wacker Drive  
40th Floor  
Chicago, IL 60606  
Counsel for Kingsbury, LLC

Anthony Licata, Esq.  
Shefsky & Froelich  
111 East Wacker Drive  
Suite 2800  
Chicago, IL 60606

Centrum Properties, Inc.  
Attn: Mary Koberstein  
225 West Hubbard Street  
4th Floor  
Chicago, IL 60610

DeStefano & Partners  
445 East Illinois Street  
Suite 250  
Chicago, IL 60611

Andrew Platt, Esq.  
Kluever & Platt, LLC  
65 East Wacker Drive  
Suite 1700  
Chicago, IL 60606

William Factor, Esq.  
Sara Lorber, Esq.  
Seyfarth Shaw LLP  
55 East Monroe Street  
42nd Floor  
Chicago, IL 60603

Nicholas Dizonno, Esq.  
Law Offices of Serpe Dizonno & Associates, Ltd.  
1317 South First Avenue  
Maywood, IL 60153  
Counsel for Broadway Bank